



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2063

DATE SCANNED 10-19-09

SCANNER NO. 2

SCAN OPERATOR Jm W

29092642934



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 12 P 1:02

June 12, 2009

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT HICKEY
STAFF DIRECTOR

FROM: JOHN D. GIBSON
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION-2009 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2009 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2009.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2009 APRIL QUARTERLY Not Election Sensitive 04/15/2009 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2093	C00439669	BALDERMANN FOR CONGRESS	BALDERMANN, TIM	See footnote*	\$157,308	0		Not Filed	\$157,308 (est)	\$5,500
2094	C00450658	KENNETH EATON FOR US SENATE 2008	EATON, KENNETH	TONI EATON	\$170,061	1		Not Filed	\$170,061 (est)	\$6,875
2096	C00444331	RAUL MARTINEZ FOR CONGRESS	MARTINEZ, RAUL L	ELIZA RASSI	\$539,222	0		Not Filed	\$539,222 (est)	\$9,500
2097	C00437152	SCONTRAS FOR CONGRESS	SCONTRAS, DEAN P	GORDON A. DAVIS	\$129,423	0		Not Filed	\$129,423 (est)	\$4,500
2098	C00430959	VERNON JONES FOR GEORGIA	JONES, VERNON A	PATRICIA MOORE	\$190,636	1		Not Filed	\$190,636 (est)	\$6,875

* Because of the treasurer liability issue concerning Baldermann for Congress, the Office of Administrative Review (OAR) has recommended that the Commission make a finding against "the Committee and its Treasurer".
RAD recommends that the Commission make an RTB finding against the Committee and its Treasurer for failure to file the 2009 April Quarterly Report.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation –) AF 2093
2009 April Quarterly Report for the)
Administrative Fine Program: Balderman)
for Congress and its Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on June 15, 2009, the Commission decided by a vote of 6-0 to take the
following actions in AF 2093:

1. Find reason to believe that Balderman for Congress and its Treasurer
violated 2 U.S.C. 434(a) and make a preliminary determination that the
civil money penalties would be in the amount of \$5,500.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and
Weintraub voted affirmatively for the decision.

Attest:

June 15, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 2009

Treasurer
Baldermann for Congress
P.O. Box 2862
Joliet, IL 60434

C00439869
AF#: 2093

Dear Treasurer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 15, 2009, the FEC found that there is reason to believe ("RTB") that Baldermann for Congress and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$5,500. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$5,500 is due within forty (40) days of the due date, or by July 25, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$157,306
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If you Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or July 25, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Baldermann for Congress and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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3. If you Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$5,500 for the 2009 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 25, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Baldermann for Congress

FEC ID#: C00439869

AF#: 2093

PAYMENT DUE DATE: July 25, 2009

PAYMENT AMOUNT DUE: \$5,500

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 AUG 17 P 2:54

August 17, 2009

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY *RFH*
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC for PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE *NI*/RHIANNON MAGRUDER *RM*/SARI PICKERALL
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION
RECOMMENDATION FOR THE 2009 APRIL QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2009 April Quarterly Report. The first list represents the committee that has paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, all committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty at Final Determination (FD). The cases are detailed below.

Baldermann for Congress (AF 2093) filed the 2009 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$2 (previously estimated to be

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\$157,306), thus the fine would be lowered from \$6,050 to \$2.

RAD recommends that the Commission make a final determination against the committee and its Treasurer¹ and assess no civil money penalty in AF 2093.

Kenneth Eaton for US Senate 2008 (AF 2094) filed the 2009 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$170,061), which would result in no civil money penalty (fine previously assessed to be \$6,875).

Raul Martinez for Congress (AF 2096) paid the civil money penalty assessed at RTB (see the first attached list). However, the committee filed the 2009 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$4,546 (previously estimated to be \$539,222), thus the fine would be lowered from \$9,500 to \$250. We will therefore issue a refund for the difference (\$9,250).

Scontras for Congress (AF 2097) filed the 2009 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$129,423), which would result in no civil money penalty (fine previously assessed to be \$4,500).

Vernon Jones for Georgia (AF 2098) filed the 2009 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$190,636), which would result in no civil money penalty (fine previously assessed to be \$6,875).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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6/17/2009 11:27 AM

Federal Election Commission
FD Circulation Report Fine Paid
2009 APRIL QUARTERLY Not Election Sensitive 04/15/2009 H_S_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2096	RAUL MARTINEZ FOR CONGRESS	MARTINEZ, RAUL L	C00444331	ELIZA RASSI	07/21/2009	Not Filed	\$4,546	0	06/15/2009	\$9,500	\$250	7/22/2009	\$9,500 ¹

¹ The committee paid the civil money penalty assessed at RTB. Due to a lower civil money penalty assessed at FD, a refund of \$9,250 will be issued.

Federal Election Commission
FD Circulation Report Fine Not Paid
2009 APRIL QUARTERLY Not Election Sensitive 04/15/2009 H_S_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTS Date	RTB Penalty	Days Since RTB	FD Penalty
2093	BALDERMANN FOR CONGRESS	BALDERMANN, TIM	C00439868	See footnote ¹	07/10/2009	Not Filed	\$2	0	08/15/2009	\$6,050	63	\$0 ²
2094	KENNETH EATON FOR US SENATE 2008	EATON, KENNETH	C00450858	TONI EATON	08/08/2009	Not Filed	\$0	1	08/15/2009	\$6,875	63	\$0
2096	RAUL MARTINEZ FOR CONGRESS	MARTINEZ, RAUL L	C00444331	ELIZA RASSI	07/21/2009	Not Filed	\$4,546	0	08/15/2009	\$9,500	63	\$250
2097	SCONTRAS FOR CONGRESS	SCONTRAS, DEAN P.	C00437152	GORDON A DAVIS	08/03/2009	Not Filed	\$0	0	08/15/2009	\$4,500	63	\$0
2098	VERNON JONES FOR GEORGIA	JONES, VERNON A.	C00430959	PATRICIA MOORE	07/27/2009	Not Filed	\$0	1	08/15/2009	\$6,875	63	\$0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 2093
Determination Recommendation for the)
2009 April Quarterly Report:)
Baldernann for Congress and its)
Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on August 18, 2009, the Commission decided by a vote of 6-0 to take
the following actions in AF 2093:

1. Make a final determination that Baldernann for Congress and its
Treasurer violated 2 U.S.C. § 434(a) and assess the final civil money
penalty so indicated.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

August 20, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 2009

Baldermann for Congress
P.O. Box 2862
Joliet, IL 60434

C00439869
AF#: 2093

Dear Treasurer:

On June 15, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Baldermann for Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2009 April Quarterly Report. By letter dated June 26, 2009, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$6,050 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. The amount of the civil money penalty has been changed to reflect the actual level of activity on the 2009 April Quarterly Report.

The FEC made a final determination on August 18, 2009 that Baldermann for Congress and its treasurer violated 2 U.S.C. § 434(a), assessed no civil money penalty in accordance with 11 C.F.R. § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Steven T. Walther".

Steven T. Walther
Chairman

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2093

DATE SCANNED 10-19-08

SCANNER NO. 2

SCAN OPERATOR c1m6

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